

In re Application of AMIT et al.  
Serial No. 09/733,522

### **REMARKS**

Claims 1-30 are now pending in this application. The Office action has been carefully considered. The Office action rejected claims 1-30 under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 6,604,093 to Etzion et al. ("Etzion") in view of U.S. Patent No. 6,631,363 to Brown et al. ("Brown"). Applicants respectfully disagree.

By present response, no claims have been amended. Applicants submit that the claims as filed were patentable over the prior art of record, and that the amendments thereafter are for purposes of clarifying the claims and/or for expediting allowance of the claims and not for reasons related to patentability. Reconsideration is respectfully requested.

Applicants thank the Examiner for the interview held (by telephone) on March 27, 2006. During the interview, the Examiner and applicants' attorney discussed the claims with respect to the prior art. The essence of applicants' position is incorporated in the remarks below.

Prior to discussing reasons why applicants believe that the claims in this application are clearly allowable in view of the teachings of the cited and applied references, a brief description of the present invention is presented.

The present invention is directed to a method and system that uses a trigger engine and infrastructure for event registration and handling. In one embodiment, a switchbox component (of which each trigger engine is a proxy) performs the "fan-in" and "fan-out" of the events consumed and generated by the trigger engine. This includes concentrating multiple similar requests for event notification into a single

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base event. For example, if a first client requests event notification when a remote file exceeds a certain size, and a second client requests event notification when the remote file is deleted, the requests are combined into a single base event request for notification when the file is modified in any manner. The switchbox maintains tables to track which client registered for which type of notification. In this manner, only the base event request is registered remotely, reducing the number of events that need to be communicated to remote servers.

As such, when the base event occurs, the switchbox is notified and then analyzes the information accompanying the base event request to determine which registered clients should get the event notification. For example, if the information indicates that the file changed and the file size specified by the first client was exceeded, the first client is notified of the event, but the second client is not. Moreover, the switchbox is capable of combining events in a complex manner, such as to notify a client only when events A, B, and C have occurred.

Types of events include time events, job events, and other events (such as file system events as described above). To this end, a job card may be provided by a client, such that a job scheduler causes the job to launch when the proper events occur. The scheduler launches the job by loading a trigger engine to connect the job, via the switchbox, to a job dispatcher. The job dispatcher runs the processes needed by the job on remote agents. A trigger engine may be attached to the dispatcher and the agents to communicate with the switchbox, e.g., to fire an event when a job is either complete or has failed.

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Note that the above description is for example and informational purposes only, and should not be used to interpret the claims, which are discussed below.

Turning to the claims, independent claim 1 recites a system for notifying clients of job-related events of an event source, comprising a first trigger engine configured to register event requests, including a first event request from a first client and a second event request from a second client, and to concentrate the first and second event requests into a base event request, a second trigger engine configured to communicate with the first trigger engine to receive a registration of the base event request at the second trigger engine, and further configured to receive notification of an event of the event source corresponding to the base event, and upon receipt of an event instance corresponding to the base event from the event source, the second trigger engine communicating data indicative of the event instance to the first trigger engine, the first trigger engine configured to determine which of the one or more event requests the event instance corresponds to, wherein if the event instance corresponds to the first event request, then the first trigger engine notifies the first client of the event instance, and wherein if the event instance corresponds to the second event request, then the first trigger engine notifies the second client of the event instance.

The Office action rejected claim 1 as being unpatentable over Etzion in view of Brown. More specifically, the Office action contends that Etzion teaches a first trigger engine configured to register event requests, including a first event request from a first client and a second event request from a second client. Column 17, lines 15-20 of Etzion are referenced. However, the Office action correctly

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acknowledges that Etzion fails to disclose any of the remaining recitations of claim 1.

Notwithstanding the lenient teachings of Etzion, the Office action contends that Brown teaches all of the remaining recitations of claim 1 and cites column 3, lines 23-25 and column 4, lines 50-65 of Brown for support of this contention. The Office action concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Etzion's device with a message queuing as taught by Brown to enable applications to exchange messages. Applicants respectfully disagree.

To establish *prima facie* obviousness of a claimed invention, all of the claim recitations must be taught or suggested by the prior art; (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)), and "all words in a claim must be considered in judging the patentability of that claim against the prior art;" (*In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)). Further, if prior art, in any material respect teaches away from the claimed invention, the art cannot be used to support an obviousness rejection. *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed Cir. 1997). Moreover, if a modification would render a reference unsatisfactory for its intended purpose, the suggested modification / combination is impermissible. See MPEP § 2143.01.

Applicants submit that the Office action has failed to establish a *prima facie* case for obviousness. Etzion and Brown, whether considered individually or in any permissible combination with each other or any other prior art of record, simply do not teach all of the recitations of claim 1. Furthermore, even if one were to

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construe the teachings of Etzion and Brown to somehow teach these recitations, the combination of Etzion and Brown in the manner suggested by the Office action is impermissible as a matter of law.

In specific, Etzion is directed to a system and method for handling event notification for events that may be defined as the combination to two or more events. The cited and applied sections of Etzion disclose a complex event (*i.e.*, an event comprised of more than one event) that, when detected, triggers a notification to a registrant of that complex event. Further, the notification may be immediate or delayed. Etzion, as acknowledged by the Office action, does not teach a second trigger engine for other events that may be related and is wholly unaware of the concept of a base event as recited in claim 1.

In a related, but different manner, Brown is directed to a system and method for providing notifications to a user via an alert manager. An alert manager, as used in Brown, is capable of assimilating information about all events that have occurred and coordinating the notification of all users that have registered for the various notification of events. Thus, as events occur, an event router may notify both an event handler (that deals with the event itself) as well as an alert manager that sorts out which users need to be alerted to the event.

Neither of these prior art references, however, teaches a first and second trigger engines that are interrelated as recited in claim 1. Specifically, claim 1 recites a first trigger engine configured to register event requests, including a first event request from a first client and a second event request from a second client, and to concentrate the first and second event requests into a base event request

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and a second trigger engine configured to communicate with the first trigger engine to receive a registration of the base event request at the second trigger engine, and further configured to receive notification of an event of the event source corresponding to the base event.

Notwithstanding the cited references' failure to teach the actual claim language as recited in claim 1, applicants submit that the Office action is using hindsight reasoning for motivation to combine these references. That is, the only motivation provided by the Office action for combining the teachings of Etzion with the teachings of Brown simply states that the system of Etzion may be improved. This is not proper motivation for obviousness, as all novel and non-obvious patents improve the prior art.

As a matter of law, obviousness may not be established using hindsight obtained in view of the teachings or suggestions of the applicants. *W.L. Gore & Assocs., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1551, 1553, 220 USPQ 303, 311, 312-13 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). To guard against the use of such impermissible hindsight, obviousness needs to be determined by ascertaining whether the applicable prior art contains any suggestion or motivation for making the modifications in the design of the prior art article in order to produce the claimed design. The mere possibility that a prior art teaching could be modified or combined such that its use would lead to the particular limitations recited in a claim does not make the recited limitation obvious, unless the prior art suggests the desirability of such a modification. See *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984).

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For at least these reasons, applicants submit that claim 1 is allowable over the prior art of record.

Applicants respectfully submit that dependent claims 2-18, by similar analysis, are allowable. Each of these claims depends either directly or indirectly from claim 1 and consequently includes the recitations of independent claim 1. As discussed above, Etzion and Brown, whether considered individually or in any permissible combination with each other or any other prior art of record, fail to teach or suggest the recitations of claim 1 and therefore these claims are also allowable over the prior art of record. In addition to the recitations of claim 1 noted above, each of these dependent claims includes additional patentable elements.

For example, claim 3 recites the system of claim 1 wherein the first and second trigger engines are each a proxy of a switchbox component. Further, claim 4 recites the system of claim 1 wherein the first and second trigger engines communicate over a network connection. Each of these claims further defines the first and second trigger engines. As shown above, the prior art of record does not teach or suggest the first and second trigger engines as recited in claim 1 in the context of their use in claim 1. Therefore, further distinguishing the first and second trigger engines of claim cannot possibly be taught or suggested by the prior art of record. Applicants submit that these claims are allowable over the prior art of record for at least these additional reasons.

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Turning to the next independent claim, claim 19 recites in a computer network, a method for notifying clients of events, comprising receiving from a first client a first request corresponding to a first event on a remote server, the first request including information specific thereto, receiving from a second client a second request corresponding to a second event on the remote server, the second request including information specific thereto, maintaining information specific to each event request in association with each client, concentrating the first and second event requests into a base event request, registering the base event request at the remote server, receiving notification of the base event, the notification including event-specific information about the base event, analyzing the event-specific information to determine which of the one or more event requests the event instance corresponds to, notifying the first client if the event-specific information corresponds to the information specific to the first event request associated with the first client, and notifying the second client if the event-specific information corresponds to the information specific to the second event request associated with the second client.

The Office action rejected claim 19 as being unpatentable over Etzion in view of Brown. The Office action contends that Etzion and Brown teach or suggest the recitations of claim 19 and cites the same sections of these references as well as the same reasoning for the rejection as was laid out with respect to the rejection of claim 1. Applicants respectfully disagree.

Applicants submit that the Office action has failed to establish a *prima facie* case for obviousness. Similar to the discussion above with respect to claim 1,



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Etzion and Brown, whether considered individually or in any permissible combination with each other or any other prior art of record, simply do not teach all of the recitations of claim 19. Furthermore, even if one were to construe the teachings of Etzion and Brown to somehow teach these recitations, the combination of Etzion and Brown in the manner suggested by the Office action is impermissible as a matter of law.

More specifically, Etzion is directed to a system and method for handling event notification for events that may be defined as the combination to two or more events. The cited and applied sections of Etzion disclose a complex event that, when detected, triggers a notification to a registrant of that complex event. As conceded in the Office action, however, Etzion does not teach a second trigger engine for other events that may be related. In terms of claim 19, Etzion does not teach notifying the second client if the event-specific information corresponds to the information specific to the second event request associated with the second client. Further yet, Etzion is wholly unaware of the concept of a base event or a base event request as recited in claim 19. A base event is a grouping of similar or related events that allow for multiple events to be communicated as a single base event.

Brown, also in a different manner than the present invention, is directed to a system and method for providing notifications to a user via an alert manager. The alert manager, as used in Brown, is capable of assimilating information about all events that have occurred and coordinating the notification of all users that have registered for the various notification of events. Thus, as an event occurs, an event

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router may notify both an event handler as well as an alert manager that sorts out which users need to be alerted to the event.

Neither of these prior art references, however, teaches or even suggests a first and second event request corresponding to a first and second notification that are interrelated as recited in claim 19. Specifically, claim 19 recites receiving from a first client a first request corresponding to a first event on a remote server, the first request including information specific thereto, receiving from a second client a second request corresponding to a second event on the remote server, the second request including information specific thereto, notifying the first client if the event-specific information corresponds to the information specific to the first event request associated with the first client, and notifying the second client if the event-specific information corresponds to the information specific to the second event request associated with the second client. Such an interrelation between the two event requests and two notifications is not taught or suggested anywhere in the prior art of record.

Notwithstanding these failures to teach the actual claim language as recited in claim 19, applicants again submit that the Office action is using hindsight reasoning for motivation to combine these references. That is, the only motivation provided by the Office action for combining the teachings of Etzion with the teachings of Brown simply states that the system of Etzion may be improved. This is not proper motivation for obviousness as all novel and non-obvious patents improve the prior art. As a matter of law, obviousness may not be established using hindsight obtained in view of the teachings or suggestions of the applicants.

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*W.L. Gore & Assocs., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1551, 1553, 220 USPQ 303, 311, 312-13 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

For at least these reasons, applicants submit that claim 19 is allowable over the prior art of record.

Applicants respectfully submit that dependent claims 20-28, by similar analysis, are allowable. Each of these claims depends either directly or indirectly from claim 19 and consequently includes the recitations of independent claim 19. As discussed above, Etzion and Brown, whether considered individually or in any permissible combination with each other or any other prior art of record, fail to teach or suggest the recitations of claim 19 and therefore these claims are also allowable over the prior art of record. In addition to the recitations of claim 19 noted above, each of these dependent claims includes additional patentable elements.

Turning to the last independent claim, claim 29 recites a system for running jobs in a network, comprising a job scheduler component configured to request running of a job in response to at least one event, a job dispatcher component configured to control the running of the job, a switchbox configured to register event requests from the job scheduler component and to notify the job scheduler upon occurrence of each event corresponding to an event request therefrom, the switchbox further configured to register event requests from the job dispatcher component and to notify the job dispatcher upon occurrence of each event corresponding to an event request therefrom, and the job scheduler being notified of an event, determining which of a plurality of jobs are associated with the event,

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and requesting running of one or more jobs associated with the event by triggering an event in the switchbox, the switchbox providing the event to the job dispatcher to cause execution of the one or more jobs.

The Office action rejected claim 29 as being unpatentable over Etzion in view of Brown. The Office action contends that Etzion and Brown teach or suggest the recitations of claim 29 and cites the same sections of these references as well as the same reasoning for the rejection as was laid out with respect to the rejection of claim 1. Applicants respectfully disagree.

Once again, applicants submit that the Office action has failed to establish a *prima facie* case for obviousness as all of the claim language has not been conclusively shown to be taught or suggested by the prior art of record. Specifically, claim 29 recites a switchbox configured to register event requests from the job scheduler component and to notify the job scheduler upon occurrence of each event corresponding to an event request therefrom, the switchbox further configured to register event requests from the job dispatcher component and to notify the job dispatcher upon occurrence of each event corresponding to an event request therefrom. That is, the switchbox includes two components for handling event occurrence and notification; a job scheduler and a job dispatcher.

Etzion is directed to a system and method for handling event notification for events that may be defined as the combination to two or more events. The cited and applied sections of Etzion to an extend suggest a complex event that, when detected, triggers a notification to a registrant of that complex event. As

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acknowledged by the Office action, however, Etzion does not teach a second trigger engine (a job dispatcher) for other events that may be related.

Brown is directed to a system and method for providing notifications to a user via an alert manager. The alert manager, as used in Brown, is capable of assimilating information about all events that have occurred and coordinating the notification of all users that have registered for the various notification of events. An alert manager, however, cannot handle the notification of events in the same manner as a job dispatcher as recited in claim 29.

Neither of these prior art references teaches a switchbox configured to register event requests from the job scheduler component and to notify the job scheduler upon occurrence of each event corresponding to an event request therefrom, the switchbox further configured to register event requests from the job dispatcher component and to notify the job dispatcher upon occurrence of each event corresponding to an event request therefrom. This interrelation between the job scheduler and the job dispatcher is not taught or suggested anywhere in the prior art of record.

For at least these reasons, applicants submit that claim 29 is allowable over the prior art of record.

Applicants respectfully submit that dependent claim 30, by similar analysis, is allowable. Claim 30 depends directly from claim 29 and consequently includes the recitations of independent claim 29. As discussed above, Etzion and Brown, whether considered individually or in any permissible combination with each other or any other prior art of record, fail to teach or suggest the recitations of claim 29

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and therefore claim 30 is also allowable over the prior art of record. In addition to the recitations of claim 29 noted above, claim 30 includes additional patentable elements.

For at least these additional reasons, applicants submit that all the claims are patentable over the prior art of record. Reconsideration and withdrawal of the rejections in the Office action is respectfully requested and timely allowance of this application is earnestly solicited.

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### CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that claims 1-30 are patentable over the prior art of record, and that the application is in good and proper form for allowance. A favorable action on the part of the Examiner is earnestly solicited.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (425) 836-3030.

Respectfully submitted,




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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this Response, along with transmittal and facsimile cover sheet, are being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) on the date shown below:

Date: April 26, 2006



Albert S. Michalik

2210 Fifth Amendment